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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,429	08/25/2000	Jordan J. Louviere	M-9235 US	6023
22874	7590	08/10/2004	EXAMINER	
BRADLEY M GANZ, PC P O BOX 10105 PORTLAND, OR 97296			PRIETO, BEATRIZ	
			ART UNIT	PAPER NUMBER

2142

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,429

Applicant(s)

LOUVIERE ET AL.

Examiner

Prieto B

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-46 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-18, 21, 23-42 and 47-82 is/are rejected.
- 7) ☒ Claim(s) 19-20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to request for reconsideration filed 6/29/04, claims 1-13 and 15-82 remain pending and have been examined.
2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application No. PQ2468 filed in Australia on August 26, 1999.
3. Arguments presented on request for reconsideration noted above have been considered. Specifically, arguments noted on request for reconsideration page 8, regarding the DREZE and SVENSSON reference are found persuasive, previous office action is hereby vacated and statutory period for response is reset accordingly.
4. Claims 19 (20 & 22 by virtue of dependency) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claim 43 (44-46 by virtue of dependency) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.
6. For the purpose of accelerating/compacting prosecution (see MPEP 2106), in addition to above mentioned allowable subject matter, an indication as to which minor features, subject matter or functions of instant invention *may* overcome the teachings of the prior art of record are set forth for applicant's consideration:

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(i) observation data analyzed to derive a model in the form of a contingency table (p. 36); or (ii) processing observation data for pathologies such as at least one of missing data, and structural dependencies and further transforming the observation data to model a ready form such as at least one categorization and effects coding (p. 42); or (iii) making inferences about some variables that influence user behavior including an understanding of the random utility theory (RUT) (p. 19-21); or (iv) modeling user behavior includes using Bayesian Markov Chain Monte Carlo estimation procedures (p. 22-23).

Claim Rejection under 35 U.S.C. 101

7. Claims 15, 40, 43, 72 and 79 are rejected below for the purpose of correcting a minor informality.

8. Claims 15, 40, 43, 72 and 79 are rejected under 35 U.S.C. § 101 which reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 15, 40, 43, 72 and 79 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In this case, computer-related inventions whether descriptive or functionally descriptive material are non-statutory categories when claimed as descriptive material *per se* (see *Warmerdam*, 33 F.3d at 1360 USPQ2d at 1759), falling under the “process” category (i.e. inventions at that consist of a series of steps or acts to be performed). See 35 U.S.C. 100(b) (“The term process means, art, or method, and includes a new of a known process, machine, manufacture, composition of matter or material”). Functional descriptive material: “data structures” representing descriptive material *per se* or computer program representing computer listing *per se* when embodied in a computer-readable media are still not statutory because they are not capable of causing functional change in the computer. However, claimed computer-readable medium encoded with a data structure defined structural and

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functional interrelationships between the data structure and the computer software and hardware component, which permit the data structure's functionality to be realized, and is thus statutory (see MPEP 2106).

Claim Rejection under 35 U.S.C. 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 15 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louviere in view of Dreze et. al., Testing Web Site Design and Promotional Content, August 18, 1998 (Dreze hereafter).

Regarding claims 1, 15 and 54, Louviere teaches substantial features of the invention as claimed, teaching an experiment to test or measure the choice behavior of individuals subjected to various multi-attribute alternative content designs for a set of content elements (i.e. treatments) (see introduction and key concepts in multi-attribute sections),

said content designs including alternative arrangements in one or more choice sets (i.e. treatments), wherein individual subjects are presented with one alternative from each choice set or allocated fixed content (see simple choice concept and double conditional design sections); however the

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above-mentioned reference does not teach where the treatments are provided to the user over a data network;

Dreze teaches an web based methodology supporting the creation and execution of an experiment to test the behavior of individuals presented with various treatment for a set of content elements (page 6-9 and 10-17); conducting the experiment over a data network by providing the treatment over the web ("data network") through a web site accessible by the user (page 5, and page 7); collecting over the data network observation data relating to user behavior for each treatment configuration assigned to the user (pages 14, and 15-17).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Louviere of the importance and applicability of the inferences obtained from disclosed experiment results in the marketing and related fields primarily in the effects of changing attribute configurations and where the generated choice or allocation data is based on the availability of computer programs to utilize apply said teaching in the Dreze system to computer generated content to also to determine the effectiveness of treatments further including real-time measurements that account for users computer system capabilities, its IP address and the date and time of interactions.

12. Claims 1 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louviere in view of Tse et. al. Video Browsing User Interface Designs: Effectiveness in Information Seeking Tasks, May 1998.

Regarding claim 1, Louviere teaches substantial features of the invention as claimed, teaching

an experiment that supports the creation and execution of an experiment to test or measure the choice behavior of individuals subjected to various multi-attribute alternative content designs for a set of content elements (see introduction and key concepts in multi-attribute sections) including alternative

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arrangements in one or more choice sets, wherein individual subjects are presented with one alternative from each choice set or allocated fixed content (see simple choice concept and double conditional design sections); however the above-mentioned reference does not teach where the treatments are provided to the user over a data network;

Tse et. al. discloses an experiment to measure subject behavior to interface design combinations, developing a test system to determine the effect of factorial design content (i.e. the combination and/or format of content) in a information retrieval network environment, where user interface browser-based user are subjected to designed content.

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Louviere of the importance and applicability of the inferences obtained from disclosed experiment results in the marketing and related fields primarily in the effects of changing attribute configurations and where the generated choice or allocation data is based on the availability of computer programs to utilize apply said teaching in the Tse system to computer generated content to also increase overall consumer satisfaction.

Regarding claim 54, the combined teachings of Louviere and Tse et. al., teach limitations of this claim discussed on claim 1, thereby same rationale of rejection is applicable, and further teach capturing data relating for analysis of the observed choice response behavior of users each whom where faced with the set of treatment (see discussion and conclusion section).

Claim Rejection under 35 U.S.C. 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

OR

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by College Course provided by Michigan State University, Advertising and Public Relations Research, Fall 1988.

The course assignment suggest the creation and execution of a lab experiment to test the behavior of subjects to various combination of content and/or formats of content for a set of content elements of a Web page (i.e. treatments); and delivering over the Web a treatment to a user in connection with the experiment measuring the response of the subject to the treatment (page 1).

15. Claims 1-13, 15-17, 21, 23-28, 30-42, 47-68, 72, and 75-82 are rejected under 35 U.S.C. 102(a/b) as being anticipated by Dreze et. al., Testing Web Site Design and Promotional Content, August 18, 1998 (Dreze hereafter).

Regarding claim 15, Dreze teaches substantial features of the invention as claimed, teaching a method comprising:

defining an experiment (web-based methodology) based on an experimental method defined on last paragraph on pages 6 to page 8), the experiment includes measuring (“gauging”) user behavior or interaction (“reaction”) (page 7, and pages 15-17) to various combination and/or format of content (“treatments”) for a set of content elements (see combined information on 2nd paragraph of page 9, combination and/or formats (multiple attributes and alternative levels) of information on pages 10-13 and/or combination of configurations designs of test page/site for experiment on page 14);

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conducting the experiment over a data network by providing the treatment over the web through a web site system (“communication management system”) accessible by the browser based user (page 5, and page 7);

collecting over the data network observation data relating to user behavior for each treatment configuration assigned to the user (pages 14, and 15-17).

Regarding claim 24, Dreze further teaches where the content comprising a set of content elements (claim 1), and collection step (claim 15), discussed above (same rationale of rejection is applicable), claim limitation further recites,

where the content is stored on a server computer system (“content system”) (see page 14), Dreze teaches a web site system for providing a collection of web pages to include specific product and promotional content (page 5) or a publisher’s web site system that contains the pages whose content will be provided to the user for testing user behavior (pages 8-9), where test stimuli (i.e. treatments) are created, developed, installed (stored) and executed on a Web site’s server computer system (page 13-14).

specifically designed software (running on a web site computer system) (“communication management system”) develops and installs the content on the site’s server (“computer system”) (page 14), thereby, a “communication management system” in communication with the “content system”, the communication management system implementing the methodology of the experiment of claims 1 & 15 at the web site (page 14).

Regarding claim 36, the above-mentioned reference further teaches

a web based methodology defining an experiment (page 9 and 7) relating to various treatments for a set of content element effectiveness (page 10-13); the methodology including

delivering each treatment to a selective group of users over the web (page 5 and 7)

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collect data relating to user behavior (measured behavior pages 7 and 15-16) for each treatment (data collection page 7 and collection of behavioral data page 8);

methodize (“coordinate”) the functions that define the experiment or test (“experiment engine”) and function that collect user behavior data (“observation module”) via said web based methodology.

Regarding claim 40, Dreze further teaches limitation(s) discussed on claim 15, and further teaches

allocating each treatment to users (page 14), treatments developed and installed (last paragraph on page 13) and stored on a publisher's web site (page 8);

generating a software implementation for performing the above mentioned steps of the experiment e.g. allocating treatments to the user (page 14) and collection of data conducted on experiment (last paragraph page 16).

Regarding claims 47-49, content elements from a web page (page 5); data network the Internet (page 7); plurality of content elements (e.g. promotional) configured to influence user behavior (e.g. purchase-behavior) (page 9), as derived from the observation data obtained through the experiment objective (page 9, inferred from observation data see page 16).

Regarding claim 50, determine what set of content elements is most suitable (e.g. effective content design) (pages 16-17 and identify what set of content elements are most effective, page 24, table 4) for achieving a desired outcome (e.g. advertising on the Web to reach consumers effectively as revenue generation means see page 3-4 and page 29).

Regarding claims 51, 54 and 57, a Web based experimentation configured to perform the following functions:

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define various combination and/or format of content (“treatment”) for a set of content elements (Dreze: factors on 2nd paragraph of page 9, combination and/or formats (multiple attributes and alternative levels) of information on pages 10-13 and/or combination of configurations designs of test page/site for experiment on page 14);

deliver the treatments to test or measure user behavior in response to the various treatments (page 5, 7 and 14);

collect or capture data relating to the monitored behavior or response of users (measured behavior pages 7 and 15-16) relative to the various treatments presented to them (data collection page 7 and collection of behavioral data page 8).

Regarding claim 1, Dreze teaches substantial features of the invention as claimed, teaching

a web-based methodology including an experimental design implemented on the Web and the steps for implementing the methodology (pages 5 & 7), including computer-software implementation (page 14); the method including

defining and providing generated treatments for set of content element (page 9-14, Fig. 1-3 and tables 1-3 on pages 34-39) to individuals to test the behavior of the individuals to the treatments (page 7) including measure users behavior (page 15-16);

delivering over the Web treatments to a users (page 14) in connection with the treatments tested in the experiment (page 7-8).

Regarding claim 2, identify the elements attributes of the content that influence user behavior based on obtained result (Dreze: page 19).

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Regarding claim 3, delivery of treatments over the data network, as discussed above, and further delivered to a selected group of users statistical sample selection (e.g. profile-base) (Dreze: see profile base randomized selection of users on page 14 and sample selection on page 16).

Regarding claim 4, web base methodology that defines data (e.g. definition of alternative attributes and corresponding levels) relating to the set of content elements (page 10-13), web based methodology that defines various behaviors to be monitored and measured (page 15-17); and web based methodology that defines the respondents selected to receive treatments (page 14-15).

Regarding claim 5, control the execution of the experiment (Dreze: web base methodology and the steps for its implementation see page 5 and implemented on a web site page 7).

Regarding claim 6, specify different treatment of content (Dreze: define content attributes/levels see page 10, information to be delivered comprises various factors see page 9).

Regarding claim 7, web base methodology implements statistical sampling procedure (Dreze: randomization user selection see page 14).

Regarding claim 8, web based methodology stores the steps for execution of the experiment (page 5 and 7) and the selected users to be monitored (page 14).

Regarding claims 9-10, store experiment data (Dreze: page 15); accessible by the over the Web (Dreze: page 7).

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Regarding claim 11, collect observation data relating to actual respondent behavior (e.g. mouse-click streams) exposed to the allocated treatments (Dreze: page 7).

Regarding claims 12-13, generating a set of rules for delivering treatments during the experiment (e.g. computer specific content allocation see page 12) and interface that allows the user interact with the experiment provided by the web site or server (e.g. web browser) (Dreze: page 10).

claim 14 (cancelled).

Regarding claim 16, identify which treatment may influence user behavior to a desired identified objective (Dreze: determine what set of content elements is most suitable (e.g. effective content design) (pages 16-17 and identify what set of content elements are most effective, page 24, table 4) for achieving a desired outcome (e.g. advertising on the Web to reach consumers effectively as revenue generation means see page 3-4 and page 29)).

Regarding claim 17, defining attribute variable and variable attribute level for various treatments (Dreze: page 10-13).

Regarding claims 21 and 23, this claim is substantially the same as claim 10 and 16, respectively, same rationale of rejection is applicable.

Regarding claims 25-27, these claims are substantially the same as claims 2-3 and 12, respectively, same rationale of rejection is applicable.

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Regarding claims 28, 30, and 31 the claim is substantially the same as claims 12, 10, and 17, respectively, same rationale of rejection of rejection is applicable.

Regarding claims 32-35, content system site and the test site are communicatively coupled to the data network via which the user accessing the test site (Dreze; page 14-15).

Regarding claims 37-39, these claims comprise limitation(s) substantially the same as those discussed on claims 2-3 and 10, respectively, same rationale of rejection is applicable.

Regarding claim 41, this claim is substantially the same as claim 10, same rationale of rejection is applicable.

Regarding claim 42, this claim is substantially the same as claims 16, 23, 25, or 37, same rationale of rejection is applicable.

Regarding claim 52, assess how content influences user behaviors, e.g. positive or negative influences (Dreze: table 3 on page 39).

Regarding claim 53, generating a set of rules for delivering treatments during the experiment e.g. computer specific content allocation indicating how to deliver treatments to user of different computers (Dreze: see page 12).

Regarding claims 55-56, these claims are substantially the same as claims 52-53, same rationale of rejection is applicable.

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Regarding claims 58-59, these claims are substantially the same as claims 55-59, thereby same rationale of rejection is applicable.

Regarding claims 60-62, these claims are substantially the same as claims 27-28, thereby same rationale of rejection is applicable.

Regarding claim 63, statistical multi-attribute variables to assess the content element of the treatment that influence user behavior (Dreze: page 4).

Regarding claim 64, this claim includes limitation(s) substantially the same as those discussed on claims 1 and/or 15, same rationale of rejection is applicable.

Regarding claims 65-66, predicting anticipating behavior of users based on obtained observation data (Dreze: page 16), said observation data relating to actual respondent behavior (Dreze: page 7)

Regarding claim 67, using prediction modeling (page 25) to specify specific attribute variable levels for delivering treatments to the user (page 26) to obtain desired objectives e.g. maximize both the breadth and depth of exposure to a web site's promotional contents (Dreze: page 27).

Regarding claim 68, predicting user behavior and delivering treatments content based on user behavior (page 26), i.e. "personalization" process.

Regarding claim 72, this claim comprises limitations that are substantially the same as those discussed on claims 1, 6, 15, and 24, discussed above, same rationale of rejection is applicable.

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Regarding claim 75, this claim comprises the same functionalities discussed on claim 68, same rationale of rejection is applicable.

Regarding claim 76, this claim includes limitations discussed on claims 2-3, 63, 65-66, thereby same rationale of rejection is applicable.

Regarding claim 77, this claim is substantially the same as limitation(s) discussed on claim 2, thereby same rationale of rejection is applicable.

Regarding claim 78, this claim comprises substantially the same limitations of claims 63 and 65-67, thereby same rationale of rejection is applicable.

Regarding claims 79-80, these claims comprise substantially the same limitation as those discussed on claims 11, 15, 50 and 65-67, thereby same rationale of rejection is applicable.

Regarding claims 81-82, these claims comprise substantially the same limitations as those discussed on claims 65-67, thereby same rationale of rejection is applicable.

Claim Rejection under 35 U.S.C. 103

16. Claims 18, 29, 69-71, and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dreze in view of Hertz U.S. Patent No. 6,460,036.

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Regarding claims 18 and 29, assigning a treatment for delivery to users (Dreze: page 14); however Dreze does not explicitly teach user segmentation;

Herz teaches a system/method related to measuring user behavior to provided content, including a user profile comprising the user's characteristics (attributes), and a summary of digital profiles of the content user likes/dislikes (column 4, lines 55-59), user profiling uses attributes that characterize the user including relevance feedback obtained from observed user behavior (column 20, lines 41-55), clustering the users based on the similarity their preferences, i.e. association based clustering in which profiles contain only associative attributes and thus defined by association (see column 23, lines 59-67).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Dreze for creating treatment with the purpose of testing the behavior of users exposed to treatment to utilize Herz teachings for measuring user behavior. One skilled in the art would be motivated minimize the error of the measurement for modeling user behavior predictions.

Regarding claim 69, this claims is substantially as claim 18, thereby same rationale of rejection is applicable.

Regarding claim 70, set of prediction rules for allocation content to user with specific behavioral characteristics (Hertz: column 6, line 63 to column 7, line 15), content including a combination of content and/or format of content, i.e. treatments (Herzt: columns 7, lines 6-12, 17-24, 31-33, including content elements see column 6, lines 9-36 including articles and advertisements, links and news articles see column 9, lines 15-34 or a combination of content files see column 29, lines 37-53).

Regarding claim 71, user interface or web browser (Dreze: page 10).

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Regarding claims 73-74, these claims are substantially the same as claim 70, same rationale of rejection is applicable.

Citation of Pertinent Art:

17. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

Attribute importance weights in conjoint analysis: Bias and Precision, Mishra, S., Umesh, U.N., Stem, D.E., Advance in Consumer Research Volume 16, 1989, pages 605-611.

Mishra et. al. teaches experiment to test the behavior of user to various design conditions including different conditions in attribute level, number or attributes and profiles, i.e. treatment conditions, including presenting treatments to the individuals in connection with the experiment and collecting observed data relating to individuals behaviors for presented treatments, disclosing the use of conjoint analysis to model consumer preference used in areas where consumer behavior analysis is required, specifically, testing or measuring the effect of an attribute on the consumer's preference, estimating the importance of weights of attributes. Experiment includes prediction models such as OLS. Treatments include a number of levels which was found to increase the estimated effect or importance weight of the attribute. Attribute and profiles were used to design treatments to simulate data collection. Choice designs were created to represent product profile an attribute combinations commonly used in conjoint simulation test (i.e. treatments). The Experiment simulation used a Monte Carlo simulation to conduct the experiment to test the influent of the design factors.

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Navigational Cues on User Interface Design to Produce Better Information Seeking on the World Wide Web, Rumpradit, C., Donnel, M.L., George Washington Univ., 37th Annual Hawaii International Conference on System Science, Vol 5, Jan. 5-8, 1998.

Rumpradit et. al. teach conducting online experiments to test user behavior to various user interface for a set of content components, including delivering over a data network a set of content components to users in associated with the experiment.

Experiment Design and Analysis in Software Engineering, Pfleeger, S.H., ACM SIGSOFT, Software Engineering Notes, Vol. 20, No. 2, April 1995, p.14-16.

Pfleeger discloses an experimental design execution including creating different treatments for testing the behavior of individual presented with the treatment, including a combination of content and/or format of contents for a set of content elements.

Response to Arguments

18. Applicant's arguments with respect to claims 1-13 and 15-82 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

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B. Prieto
TC 2100
Patent Examiner
August 1, 2004